

Dated: May 15, 2017



Daniel P. Collins

UNITED STATES BANKRUPTCY COURT, Chief Bankruptcy Judge

DISTRICT OF ARIZONA

In re:

PHOENIX HELIPARTS, INC.,

Debtor.

In Proceedings under Chapter 11

Case No. 2:15-bk-12003-DPC

Adv. No. 2:16-ap-00331-DPC

Now Substantively Consolidated with
PHOENIX HELI-SUPPORT, L.L.C.

ROBERT REISH,

Plaintiff,

v.

PHOENIX HELIPARTS, INC
LIQUIDATION TRUST,

Defendant.

PHOENIX HELIPARTS INC
LIQUIDATION TRUST

Counterclaimant,

v.

ROBERT C. REISH and KATHLEEN
REISH, husband and wife,

Counterdefendants,

PHOENIX HELIPARTS INC
LIQUIDATION TRUST

Third-Party Plaintiff,

v.

Ryuko, Inc., a Wyoming corporation,

Third-Party Defendant.

**AMENDED ORDER PARTIALLY
GRANTING PHOENIX HELIPARTS,
INC. LIQUIDATING TRUST'S
MOTION FOR SUMMARY
JUDGMENT**

1 This matter has come before this Court pursuant to Phoenix Heliparts, Inc.
2 Liquidation Trust's Motion for Summary Judgment (the "Motion for Summary
3 Judgment") (Dkt. 22) and the Plaintiffs and Counter-Defendants' Opposition to
4 Liquidating Trust's Motion for Summary Judgment, Cross Motion for Summary
5 Judgment, With Supporting Points and Authorities (the "Cross Motion for Summary
6 Judgment") (Dkt. 30). The Court has reviewed the Motion for Summary Judgment, the
7 Cross Motion for Summary Judgment, and the responses thereto. After considering the
8 arguments of the parties and counsel, and good cause appearing for the reasons fully set
9 forth in the Court's Under Advisement Ruling Denying the Reish Parties' Cross Motion
10 for Summary Judgment, and Partially Granting the Liquidating Trust's Motion for
11 Summary Judgment (the "Under Advisement Ruling") entered May 4, 2017, at Docket
12 Number 42, the Court enters the following judgment. The Under Advisement Ruling
13 constitutes this Court's findings of fact and conclusions of law, and

14 **IT IS HEREBY ORDERED and ADJUDGED as follows:**

- 15 1) The aircraft commonly referred to as "229D" (FAA #1170229D) is hereby
16 determined to be property of the Phoenix Heliparts Liquidation Trust;
- 17 2) Final judgment is entered against Mr. and Mrs. Robert Reish and the Reish
18 marital community ("Reish Parties") in favor of the Phoenix Heliparts
19 Liquidation Trust in the liquidated amount of \$2,150,000 for the
20 unauthorized post-petition transfer of the aircraft commonly referred to as
21 41FF (FAA #0041FF) pursuant to 11 U.S.C. §550;
- 22 3) The Reish Parties' Cross Motion for Summary Judgment is denied;
- 23 4) Count One of the Complaint herein (seeking to confirm the Reish Parties'
24 ownership of 41FF), and Count Two (seeking to confirm the Reish Parties'
25 ownership of the proceeds of the 41FF's sale to AMOD) of the Reish
26 Complaint are dismissed with prejudice;

- 1 5) The Phoenix Heliparts Liquidation Trust's Motion for Summary Judgment
2 as to Defendant Ryuko and the Section 548 claim raised in the Third Party
3 Complaint are denied;
- 4 6) This order fully resolves all claims in this adversary proceeding between
5 and among the the Phoenix Heliparts Liquidation Trust, Mr. and Mrs. Reish,
6 and the Reish marital community, but does not resolve the Trustee's
7 outstanding objections to the Reish Parties' claims filed in the Chapter 11
8 proceedings.
- 9 7) Pursuant to F.R.C.P. Rule 54(b) and as incorporated by F.R. B. P. 7054(a),
10 this Court expressly determines that there is no just reason for delay in the
11 entry of a final judgment as to these claims and parties. This is a final
12 appealable judgment. *See, In re Bender*, 586 F.3d 1159, 1163 (9th Cir.
13 2009), quoting *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373 (1981).

14 **DATED AND SIGNED AS SHOWN ABOVE.**